

Claimant initially injured her low back while lifting a patient in July 1992. At that time, respondent was owned by Wyandotte Health Foundation. Claimant underwent treatment and was off work for approximately one year. In June 1993, she was returned to work with restrictions which the respondent has continued to meet since that time.

Claimant was rated at 7 percent to the whole body by Daniel M. Downs, M.D., in his June 17, 1993, report. Respondent was owned and operated by Wyandotte Health Foundation through October 31, 1997. The hospital was then sold to Galen of Kansas, a Columbia entity, which continued to own and operate the hospital from November 1, 1997, through December 1, 1998. After that date, the hospital was sold to the Sisters of Charity, who continue to operate the hospital through the present time as the Bethany Medical Center, Inc.

Claimant returned to work for respondent in June of 1993, and continued to work for respondent as a nurse, although with specific restrictions. Claimant testified that her problems continued to the present, although claimant does not describe any new accidents suffered while employed. Claimant does, however, testify to experiencing chronic pain for the entire time she was employed with respondent.

In February 1999, claimant was transferred to the geriatric psych unit. After that, claimant testified to an increase in her symptoms. Shortly thereafter, claimant requested additional medical treatment for her symptoms.

Respondent Bethany Medical Center objects to the Court's order requiring that it provide medical treatment. Respondent Bethany Medical Center contends that claimant's accidental injury stems from the July 1992 accident, which occurred while respondent was owned by Wyandotte Health Foundation. Respondent further argues that claimant has not proven additional injury while employed with Bethany Medical Center, Inc., and, therefore, any medical treatment owed to claimant should come from Wyandotte Health Foundation.

John A. Holmes, M.D., the independent medical examiner appointed by the Administrative Law Judge, prepared a medical report dated April 4, 2000. That report does not comment on whether the current diagnosis and need for treatment relates to the July 1992 accident or whether claimant's condition is the result of subsequent injuries sustained while she worked for Bethany Medical Center.

The medical report of Dr. Holmes does discuss claimant's diagnosis as being myofascial pain syndrome. The report further points out that her original diagnosis in 1992 was myofascial pain syndrome. Dr. Holmes also discusses the fact that claimant has had continuous pain and tingling in her neck, shoulders, upper arms and back, which appear to have occurred as a result of excessive lifting by claimant, which the doctor notes exceeded her lifting restrictions at work.

While Dr. Holmes does not specifically state that claimant's ongoing problems are the result of her continuing work at Bethany Medical Center, the implication is contained in his report. This, coupled with claimant's testimony that her condition continued to get worse as she worked, in particular, after being transferred to the geriatric psych unit, convinces the Board that claimant's condition has worsened during her employment with

Bethany Medical Center. The Board notes this dispute is also one of date of accident, in addition to accidental injury arising out of and in the course of employment. Here, claimant's series of accidents would be ongoing well into the ownership period of respondent. See Treaster v. Dillon Companies, Inc., 267 Kan. 610, 987 P.2d 325 (1999).

Therefore, the Board finds that the order by the Administrative Law Judge, requiring Bethany Medical Center to provide ongoing treatment for claimant's myofascial pain syndrome, should be affirmed. The failure to notify other owners of respondent does not, here, affect the liability of Bethany Medical Center.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the order of Administrative Law Judge Robert H. Foerschler dated July 14, 2000, should be, and is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of September 2000.

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BOARD MEMBER

c: Dennis L. Horner, Kansas City, KS  
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